SINGLE BENCH

(2) (4)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.S.No. 1374 /2007

PETITIONER : **Smt. Shanta Xess, S/o Mino Xess aged about 38 years, working as L.D.T. Govt. girl Priamary school, Rajput para, (Kudekela),block- Dharamjaigarh Dist- Raigarh (C.G.)**

P.R. No. 1607/07
Presented by O.P. Yadav
dated 24/12/07

VERSUS

RESPONDENT: :

1. **State of C.G. Through. Secretary, Dipartment of School Education, Mantralaya D.K.S. Bhawan, Raipur (C.G.)**
2. **Asst. Commissioner, Raigarh Distt. Raigarh (C.G.)**
3. **Commissioner, Raigarh Distt. Raigarh (C.G.)**

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OATH COMMISSIONER APARNA MALVIYA CG 20731/08 11/04/08

PETITION UNDER ARTICLES 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRLATE WRITS OF MANDAMUS AND CERTIORARI AND FOR OTHER SUITABLE WRITS AND DIRECTIONS :-

(38)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 1374/2007

Petitioner		Smt. Shanta Xess w/o Mino Xess aged about 38 years, working as LDT, Govt. Girls Primary School, Rajput Para(Kudekela), Block Dharamjaigarh, District Raigarh (CG)
		Versus
RESPONDENTS	1	State of Chhattisgarh, Through: Secretary, Department of Education Mantralaya, DKS Bhawan, Raipur (CG)
	2.	Asst. Commissioner, Raigarh, District Raigarh(CG)
	3.	Commissioner, Raigarh, District Raigarh(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Amit Kumar Sharma, counsel for the petitioner.

Shri Yashwant Singh, G.A. for the State on advance copy.

ORAL ORDER
(27.8.2007)

Sunil Kumar Sinha, J.

Heard on admission.

Learned counsel for the petitioner submits that the petitioner has passed B.T.I. examination on her own expenses, therefore, she is entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (2006 (II) MPJR-CG 96)***. He submits that the case of the petitioner is squarely covered by the said judgment.

This legal position is not disputed by learned counsel for the State. However, he submits that the order may be passed in terms

(31)

of the said judgment, but it shall be subjected to verification regarding petitioner's such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another(supra)* subject to verification of the facts as to whether the petitioner had acquired B.T.I. Examination Certificate on his own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether she has been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

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